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THE VOICE OF HVACR IN NEW YORK, NEW JERSEY, CONNECTICUT AND LONG ISLAND

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SPRING 2017 Volume 1



## Passing The Torch Part II

*Photos on page 15 & 16*

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## From the President...



**Brian Aull**  
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**T**he warmer months are upon us and spring has arrived. Before you know it we will be in cooling season which is a busy time of year for most air conditioning contractors.

Our last month's meeting was a well-attended event. We had our Passing of the Torch meeting at a new venue for MACC at The Woodlands in Woodbury NY. As always John DeLillo ran a great presentation

Check out our website at [www.maccny.org](http://www.maccny.org) to get information on MACC's 2017 seminar program geared toward field technicians.

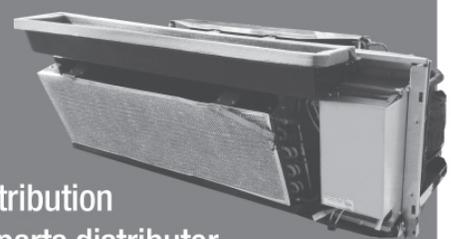
Hope to see you soon at future meetings. — Brian

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## Editor's Notes

by Anthony N. Carbone

### Cost of Preventable Injury

HVAC contracting lends itself to being a technical business, but also a physical business for the people (employees) doing the work.

The equipment is heavy and can be sharp. The incident of potential injury is great. The labor force is limited and the risk of losing a top performer, with superior technical skills, is very possible.

Safety is always a number one priority, but things happen. . .

An ounce of prevention and some precautionary training can save down time, lost revenue, and clients who may receive the "B Team" because of a preventable injury to the "A"s. But most importantly, it is the prevention of a valued employee's personal injury.

The Workmen's Compensation cases are not always conducive to rush employees back to work to help the team. It can be a litigious web of bureaucracy that can halt the flow of any business's production.

So, make those speeches to your employees to take the proper precautions that will avoid injury and protect the

flow of business and the profits that are coming into your company this upcoming season. Make it a part of your culture at your organization! — *Anthony N. Carbone*

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## HVAC Ethics and Customer Relations

By Rob Falke

President, National Comfort Institute

I called a plumbing service company recently to investigate a leak in our shower above the kitchen. They quoted me \$195.00 for the work. Two hours later I had five holes in my kitchen ceiling, a messy bathroom, and no conclusive source of the leak. A few days later I received an invoice for \$641.00. This event left me feeling the need to take a look at HVAC industry ethics and how to avoid leaving our customers feeling like I did. Ethics are defined as a set of moral principles; a bundle of values we use to determine what's right and wrong. Ethics define accepted rules of conduct. When we act ethically, we prosper in the long term. Those without ethics may flourish for a while, but operate in constant conflict and have an uncertain fate.

**This article is focused on how ethical behavior avoids offending your customers. It steers clear of social issues dealing with workplace offenses, discrimination, and other legal issues.**

Just as you acknowledge the laws of physics when you design, install, and service HVAC systems, there are laws of ethics that impose predictable forces on your life and business. The better you understand these laws, the more successful you'll become.

This article is focused on how ethical behavior avoids offending your customers. It steers clear of social issues dealing with workplace offenses, discrimination, and other legal issues.

How you apply ethical principles can make or break your relationships with customers. The cost of unethical behavior is the loss of future business, usually because you offend a customer. A wise business owner can justify the cost of strengthening company ethics based on real financial benefits and relationships producing future opportunity.

### Typical HVAC Industry Offenses

Over the past few weeks I inquired about ethical issues currently plaguing our profession. It appears some hot topics include product and service pricing, diagnostic errors, and employee compensation.

Timely Disclosure of a Price Change -- When you quote an initial price to a customer, good ethics require you to tell the customer before additional costs are incurred. In the case of my leaky shower, the plumber gave me no notice of additional charges to his quote. I had no idea what the charges were for.

I understand there are legitimate new charges. In the HVAC business, such charges can come from events like:

- Finding a fried circuit board
- Discovering electrical system defects that weren't apparent during the quote process
- Exposing system deficiencies in normally inaccessible areas.

When new opportunities to improve the system performance are discovered during the course of a job, there is an ethical obligation to disclose the findings, price the repairs, and allow the customer to consider the need for the additional cost.

Construction projects use a change order to identify, document, and approve the scope and cost of changes that arise during a project that weren't included in the original contract. A similar procedure should be used on a residential service project after the cost of an initially quoted repair



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when additional repairs are identified.

**Misdiagnosis or Non-diagnosis** -- The HVAC profession is highly *technical and few of your customers* have the knowledge to evaluate your service or replacement recommendations. That's why most customers rely on the trust they hold for you and your company.

This trust requires you to perform effective and thorough diagnostics to assure your recommendations are accurate and complete.

Good diagnostics should be accompanied by a description of the problem expressed in terms and examples easily understood by your customer. Effective professionals have the empathy and communication skills necessary to discuss the results of the diagnostics with customers and address their concerns until they are confident enough to make a decision.

If the system is older, you have a responsibility to share the risk that other system components may also perform poorly and are at risk of future failure. This can be a touchy discussion to engage in. If you overemphasize this point, your customer may feel threatened, thinking they are being oversold. By not discussing what the risks are of not replacing system components and you'll lay the groundwork for a disappointed and angry customer when the system does eventually fail.

If you read my articles, you are aware of the difference in equipment rated efficiency and the actual efficiency of the system once it is installed. The average installed system performs less than 60% of the equipment efficiency rating. The liability of decreased system efficiency caused by poor installation practices is increasing at an alarming rate.

**A Change in Product Specifications** -- If you need to change the *product specifications*, you should get agreement from the customer in advance. The day a project is completed is no time for your customer to discover you couldn't or didn't provide the quality or efficiency specified in the contract.

I referred an HVAC service company to a friend of mine last summer with complete confidence. A month later, I received a phone call from the customer that the contractor sold them a 20-SEER system, but only installed one rated for 17 SEER.

The error was an oversight due to the manufacturer's marketing materials representing the maximum efficiency of the series of equipment. But the customer was rightfully concerned with the appearance of a bait-and-switch tactic.

**Excessive Profit Sharing** -- Today many companies are using *aggressive pricing* that can be five or six times market rates. The excess profit squeezed from the unwary customer is then shared with the salesperson or technician. This

unethical pricing strategy is not only unfair to the customer, but also damages the good name of our industry.

If employee compensation is only tied to the profit earned on each job, might the company owners be sending a signal to employees that the way customers are treated may not be as important as represented in your code of ethics?

We just reviewed a few examples of ethical violations found in our profession. Are there more? Sure. The purpose of this article is to provide time for you to consider your actions and personally make a commitment to strengthen your ethical stance. Like most changes needed in our industry, change is made one person at a time.

### **ABOUT THE AUTHOR**

*Rob "Doc" Falke serves the industry as president of National Comfort Institute an HVAC-based training company and membership organization. If you're an HVAC contractor or technician interested in a free Code of Ethics outline, contact Doc at [robj@ncihvac.com](mailto:robj@ncihvac.com) or call him at 800-633-7058. Go to NCI's website at [nationalcomfortinstitute.com](http://nationalcomfortinstitute.com) for free information, articles, and downloads.*

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## Johnson Controls And Building Homes For Heroes® Continuing Partnership In 2017

*YORK® contractors and distributors team up with nonprofit organization to support severely wounded or disabled soldiers and their families*

The YORK® brand of Johnson Controls will continue its sponsorship of Building Homes for Heroes® through 2017 and provide veterans with home heating, ventilation and air-conditioning (HVAC) systems.

Building Homes for Heroes is a national nonprofit organization that recognizes the tremendous sacrifices of men and women of the United States Armed Forces by supporting the needs of severely wounded or disabled soldiers and their families. The organization strives to build or renovate quality homes and gift them to severely injured veterans nationwide, mortgage-free.

2017 marks the fourth consecutive year that YORK and Building Homes for Heroes have worked together. Through its sponsorship of the Building Homes for Heroes program, Johnson Controls, along with YORK distributors

and independent contractors nationwide, has donated quality heating and cooling systems, including installation, labor and on-going maintenance, to over 40 military families since 2014.

“Giving back to the communities where we live, work and play is important to all of us at Johnson Controls,” said Liz Haggerty, vice president and general manager, Johnson Controls Unitary Products Group. “That’s why we plan to continue our support of Building Homes for Heroes in 2017, partnering with our network of local independent contractors to provide veterans with home comfort systems.”

Participating YORK contractors are installing YORK Affinity™ heating and cooling systems for reliable and energy-efficient home comfort. In addition, the company is planning to install smart thermostats as part of its 2017 sponsorship. The new YORK touch-screen residential thermostat incorporates smart technology to communicate with both conventional and connected HVAC systems. Homeowners can control their system remotely using their smartphone to monitor and adjust settings for up to six zones/rooms to save energy and feel more comfortable. The thermostat is also user friendly, with an easy-to-use touch-screen interface and remote programming features that are helpful for the disabled.

“We are honored to play a role in giving veterans a comfortable home,” said Jim Probst, president of George Brazil Air Conditioning & Heating, Phoenix, Arizona. “We’ve been

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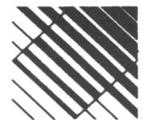
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a part of seven Building Homes for Heroes homes during the three years we've been the local HVAC contractor for the program. Every time we're contacted to help, we jump at the chance, because there's no greater way for us to show these vets how grateful we are for their service."

"It's important to note that our network of contractors like Jim and distributors is critical to the success of our partnership with Building Homes for Heroes," added Haggerty. "They generously donate their time, services and expertise, along with the spirit that generates excitement for the program and support for our wounded veterans and their families."

To learn more about Building Homes for Heroes, visit <http://www.buildinghomesforheroes.org/>. To learn more about Johnson Controls' commitment to its communities, visit <http://www.johnsoncontrols.com/corporate-sustainability/social>.

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## Fujitsu's Broadway Air Stage Solution Center, Is Available To Groups, Free Of Charge

Fujitsu General America's New York City "Air Stage," the company's Solution Center, is available free-of-charge for professional events and meetings with topics that focus on HVAC, energy, utilities, architecture, urban development, building engineering and green technology.

The 1,600 square foot Air Stage, was conceived and designed as a "learning and sharing center" where architects, engineers, building owners, contractors, energy consultants, and HVAC customers can come together to collaborate and share experiences. The Air Stage conference room can be arranged to fit a variety of event formats, from conference meetings with classroom-style seating to guest speaker events.

"Fujitsu is thrilled to invite our colleagues to share the Air Stage space. We hope for many others to enjoy the benefits of this incredible venue," said Matt Peterson, Fujitsu General America President and COO. "That's why we've made this an open invitation to strengthen existing relationships, and to help establish new ones."

For information, or to reserve space on a first-come, first-serve basis call 973/575-0380, ext. 1646, or visit [The Air Stage Booking](#). •



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## People & The Workplace

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### Denying An Employee's Request To Use A Service Dog At Work May Violate The Americans With Disabilities Act

Many employers would not think twice before denying an employee's request to bring her pet to work with her – particularly in a professional environment with frequent, in-person client contact. But what if the animal in question is a service dog?

A Michigan-based optical services company recently learned the hard way that an employee with a legitimate need for a service dog may be entitled to bring the dog to work with her, no matter how unusual such a scenario may seem to the employer. The company in question received this request from an employee who worked as an optician and suffered from an anxiety disorder. The employee's service dog was trained to alert her to oncoming panic attacks and to help alleviate symptoms during an attack. When the employee sought permission to bring her service dog to work, the employer denied the request. In response, the employee filed an EEOC charge under the Americans with Disabilities Act (ADA), and the EEOC brought suit against the employer on her behalf. Ultimately, the employer agreed to pay \$53,000 to settle the case.

The ADA requires employers to provide employees who have disabilities with reasonable accommodations, unless the employer can show that the accommodation would cause undue hardship. The ADA also protects employees from discrimination because of disability and from retaliation for asserting rights under the ADA.

In all likelihood, the optical services company probably thought it was fully within its rights to deny the employee's

request to bring her service dog to work. For example, it may have seemed to the employer that having a dog present in an optician's office would hinder other employees' efforts to perform their duties. The employer may have concluded that granting the request would be an undue hardship, excusing it from making the requested accommodation under the ADA.

However, determining what constitutes a reasonable accommodation is more complex than it seems. Under the ADA, an "undue hardship" is a significant difficulty or expense incurred by an employer in connection with an accommodation. Determining whether a particular accommodation would impose an undue hardship requires consideration of several factors, including cost, the company's size and overall operations, and the impact of the accommodation on operations, including any impact on the ability of other employees to perform their duties. Importantly, an accommodation that would be an undue hardship for one business may not be an undue hardship for another business. Accommodation requests require particularized, case-by-case assessments.

The issue of service dogs, in particular, can complicate these assessments even further. Many people, employers included, are not educated on the many roles service dogs can play. Years ago, the term "service dog" called to mind only the seeing-eye dogs used by the visually impaired. But today, service dogs are used for a host of purposes. There are guide dogs, hearing dogs, mobility dogs, seizure alert/response dogs, psychiatric service dogs, therapy dogs, and emotional support dogs.

The takeaway for employers here is that ADA accommodation requests should never be taken lightly. An employer may feel justified in denying an employee's request for an accommodation when that accommodation does not strike the employer as "reasonable." But what feels "reasonable" to an employer on an instinctive level and what is actually considered "reasonable" under the law are two different things.

Any employer who has received a request for an ADA accommodation should consult with an experienced human resources professional before granting or denying the request. Please do not hesitate to contact PMP when such issues arise. •



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# CO2 Refrigeration Now Mainstream

The growing acceptance of CO2 refrigeration as a mainstream technology amongst both OEMs and end users in the USA is highlighted in a new study by Danfoss.

According to the new survey of over 1,000 individuals with an interest in commercial and industrial refrigeration in North America, 82% of OEMs and 91% of consultants said they saw CO2 as a viable mainstream refrigeration technology.

In addition, about half of the OEMs who responded saw CO2 refrigeration as being at least 16% of their business within the next five years. In a similar study conducted in 2012, less than 20% of OEMs saw CO2 comprising at least 16% of their business.

The majority of commercial refrigeration consultants and end users are today engaged in CO2 projects, citing pending legislation/regulations and corporate sustainability goals as key drivers in the decision to use CO2. However, at the same time, they identified the high initial system cost as a primary barrier to deployment.

The survey also identified similar acceptance in the industrial refrigeration market. 57% of responding OEMs and contractors and 43% of consultants and end users

indicated that they have already either been involved in a CO2 refrigeration project or have plans to be. However, OEMs and contractors do not see CO2 becoming a significant part of their business in the near future.

OEMs and contractors identified the removal of ammonia, in terms of improved safety and reduced ammonia charge, as key drivers in using CO2. Consultants and end users agreed, but also cited pending legislation/regulation as important factors. In contrast to the commercial refrigeration industry, industrial refrigeration respondents said the primary barrier to further CO2 use is the result of end user and contractor familiarity and training.

This industry indicator on CO2 was conducted as a follow up to a similar survey conducted by Danfoss in 2012 to gauge the market acceptance of CO2 refrigeration. The survey was distributed via email to approximately 1,100 people that do business in commercial or industrial refrigeration applications.

“The results of this survey validate the ongoing growth we are seeing in CO2 projects across North America,” said Peter Dee, Danfoss’ sales and services director – food retail. Globally, Danfoss says it has been involved in more than 10,000 CO2 refrigeration projects. •

—Source: Cooling Post



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# Statement From Stuart S. Zisholtz, Esq.

## “Additional Insureds”

Most jobs require the contractor or subcontractor to provide an insurance certificate and add the owner or General Contractor as an additional insured.

It is common practice that as you go up the ladder from a subcontractor to a General Contractor to an owner, the guy on the bottom gets an insurance policy mainly for the guys on top as “additional insureds”.

Once the owner gets a certificate from the General Contractor that the owner is an “additional insured” or the General Contractor gets a certificate from the subcontractor, everybody rests easy.

The endorsement, however, must be carefully analyzed. It might limit your protection for only those who have a contractual obligation with the named insured.

In other words, the subcontract between the General Contractor and the subcontractor requires the subcontractor to obtain a certificate naming the owner, who he does not have a contract with, as an additional insured.

However, the owner might not be covered by the insurance policy.

Similarly, the work performed might not be covered, there might be extras that would not come within the purview of the endorsement. In addition, the policy may not cover the work the subcontractor is actually performing.

Recently, an insurance company disclaimed coverage for an owner where the insurance policy provided for chimney sweeping and not actual construction work even though the contractor was paying premiums for construction work.

The subcontractor might also use architects, engineers, experts in its work that might be the cause of a claim. Endorsements might not cover those contingencies. The bottom line is to know the policy, know the endorsement, be wary of any possibilities that a sneaky insurance company might use as a defense against any claims.

Never let your lien time run out!

*For a free copy of a pamphlet pertaining to mechanic's liens and payment bond claims, kindly contact me or the Association. •*



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# Weil-McLain 2017 'School Of Better Heating' Training Programs For HVAC Professionals — Sessions Come To Long Island

Weil-McLain®, a leading North American designer and manufacturer of hydronic comfort heating systems for residential, commercial and institutional buildings, announces its 2017 School of Better Heating training program. The School of Better Heating is an annual series of comprehensive, personalized training seminars for plumbing and heating professionals.

The one- to three-day sessions feature classes ranging from basic heat loss and boiler sizing to troubleshooting a multiple boiler, three temperature system. Heating professionals choose which sessions to attend based on their level of experience.

“Our theme this year is ‘Complete Hydronics System’ and we developed the 2017 School of Better Heating curriculum to encompass a three-stage full hydronics system program that includes intermediate and advanced system design and

troubleshooting,” said Greg Pickens, director of training for Weil-McLain. “Our training this year goes beyond covering the boiler and the circulator to include the entire system.

“We adjusted the program this year based on feedback from previous years and multiple interviews with different groups of heating professionals. We want to make sure that we are providing the right training for the right audience at the right time,” said Pickens.

The 2017 School of Better Heating training schedule kicks off in Philadelphia on March 28 and will continue through October at various locations in the Eastern and Central regions of the country. **The program will be held on Long Island from July 18 through July 20.**

The School of Better Heating reflects Weil-McLain’s leadership in hydronic system training, which also includes extensive in-field experience with hands-on and application training, in addition to class instruction and special certified courses for continuing education.

For more information visit <http://www.weil-mclain.com/school-better-heating>. •



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## Indoor Air Quality Complaints In New York Office Buildings

Millions of people work in office buildings in New York City and the surrounding tri-state area. Over the past decade, a growing number of workers and many of their employers have increasingly recognized the importance of a healthy, comfortable, and productive indoor environment.

This awareness has created a growing demand for good indoor air quality (IAQ) in the office environment. Unfortunately, many office buildings have significant indoor air pollution sources that can impact building occupants. These sources may include off-gassing from furnishings, occupant activities, housekeeping practices, pesticide applications, and microbial contamination to name a few.

One significant factor that greatly influences the effect of these sources and the overall quality of indoor air in offices is the ventilation system and its design, operation, and maintenance. Employees typically have little, if any, control over the system. As a result, it is not uncommon for there to be a notable number of reported health problems from office workers associated with their work environment.

A number of well-identified illnesses, such

as Legionnaires' disease, asthma, hypersensitivity pneumonitis (HP), and humidifier fever, have been directly traced to specific building problems. These are known as building-related illnesses. Most of these conditions can be treated; nevertheless, some pose serious health risks and may require prolonged recovery times after leaving the building.

"We are tasked with investigating IAQ issues in office buildings on a regular basis," said Michael Berrevoets, President, VOETS, LLC. "Often, these cases can be fairly straightforward; however, sometimes building occupants experience symptoms that do not fit the pattern of any particular illness and are difficult to trace to a specific source. The complaints may be localized in a particular room or zone, or may be widespread throughout a building. To identify and resolve these types of cases, our building science experts put years of experience, state-of-the-art monitoring equipment, and advanced air testing services to work. Once the issue or issues are identified, a plan is then developed to resolve the problem and keep it from returning."

To learn more about VOETS and their indoor air quality, occupational, environmental, health, and safety testing and consulting services, visit [www.VOETS.nyc](http://www.VOETS.nyc), email [michael@VOETS.nyc](mailto:michael@VOETS.nyc), or call (212) 860-7450. •

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**MARCH 2017 MEETING**

# Passing the Torch II

Some 50 members and friends attended the second MACC Passing The Torch event on March 9th. Our Executive Director, John DeLillo, Sr., himself a CPA, offered insights and answered questions regarding passing on your business. When to start planning, valuation, readiness, finding buyers and sellers, avoiding deal killers and exit strategy were key topics and they sparked active discussion.



# Passing the Torch II

MORE PHOTOS ON PAGE 15

